

## CX SCREENING CRITERIA

**Introduction.** Categorical Exclusions (CXs) are categories of actions with no individual or cumulative effect on the human or natural environment, and for which neither an EA nor an EIS is required. The use of a CX is intended to reduce paperwork and eliminate delays in the initiation and completion of proposed actions that have no significant impact.

In order for a proponent to qualify to use a CX, the following three criteria must be satisfied:

1. **The action has not been segmented.** An action can be too narrowly defined (in an attempt to avoid the appearance of the significance of the action), minimizing the potential impacts in an effort to avoid a higher level of documentation. The scope of an action must include the consideration of connected, cumulative, and similar actions.
2. **No exceptional circumstances exist.** Extraordinary circumstances include:
  - a. Reasonable likelihood of significant effects on public health, safety, or the environment.
  - b. Reasonable likelihood of significant environmental effects (direct, indirect, or cumulative).
  - c. Imposition of uncertain or unique environmental risks.
  - d. Greater scope or size than is normal for this category of action.
  - e. Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302.
  - f. Releases of petroleum, oils, and lubricants except from a properly function engine or vehicle, application of pesticides and herbicides, or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan.
  - g. When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.
  - h. Reasonable likelihood of violating any federal, state, or local law or requirements imposed for the protection of the environment.
  - i. Unresolved effect on environmentally sensitive resources, defined as:
    1. Proposed federally listed, threatened, or endangered species, or their designated critical habitats.
    2. Properties listed or eligible for listing on the National Register of Historic Places.
    3. Areas having special designation or recognition such as prime or unique agricultural lands; coastal zones; designated wilderness or wilderness study areas; wild and scenic rivers; National Historic Landmarks; 100-year floodplains; wetlands; sole source aquifers (potential sources of drinking water; National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.
    4. Cultural Resources.
  - j. Involving effects on the quality of the environment that are likely to be highly controversial.

- k. Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.
  - l. Establishes a precedent for future or subsequent actions that are reasonably likely to have a future significant effect.
  - m. Potential for degradation of already existing poor environmental conditions.  
Also, initiation of a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.
  - n. Introduction/employment of unproven technology.
3. **One (or more) CX encompasses the proposed action.** If a CX (or multiple CXs) is not appropriate, and the project is not exempted by statute or emergency provisions, an EA or an EIS must be prepared, before a proposed action may proceed.

The use of a CX does not relieve the proponent from compliance with other statutes, such as RCRA, or consultations under the Endangered Species Act or the National Historic Preservation Act. Such consultations may be required to determine the applicability of the CX screening criteria.